

**Springerville Planning & Zoning Commission  
Regular Session Minutes  
July 15 2004**

Present: Vice Chairman Bill Lucas, Kay Matthews, Dan Slaysman and Steve Martin

Absent: Betty Amator, Bridget Laney and Larry Martin

Staff: Interim Zoning Administrator-Tom Malone, Councilman Pete Hunt, Scott Garms Town Manager and Sterling Solomon

Public: Lynn Levingston, Wendy Nichols, James and Jennifer Coppedge, Henry and Tina Reyes

**1. Call to Order**

Vice-Chairman Bill Lucas called the meeting to order at 7:30 p.m.

Roll Call:	Present:	Bill Lucas Kay Matthews Dan Slaysman Steve Martin
	Absent:	Betty Amator Bridgett Laney Larry Martin

**2. Public Participation:** None at this time

**3. Interim Zoning Administrator's Report:** None at this time.

**4. Minutes:** Consider approval of the minutes of the Planning and Zoning Commission meeting held on June 10, 2004.

Motion by Kay Matthews/Dan Slaysman to approve the minutes of the regular session held on June 10, 2004.

Vote:	Ayes:	Bill Lucas Kay Matthews Dan Slaysman Steve Martin
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**5. Rezone 2004-R001:** Hold a public hearing and make a recommendation to the Town Council regarding a request to rezone the following parcels:

A. 105-21-090 from a split zoning of C-1 and R1-7 to completely C-1.

Commissioner Matthews declared a conflict of interest.

Legal Counsel advised the public that due to this conflict there would not be a quorum. He recommended that the Commission table this item until the next meeting in August.

Vice-Chairman Lucas called for a motion to table item 5, rezone of the 3 commercial lots from R1-7 to C-1.

Motion by Dan Slaysman/Steve Martin to table this item until the next meeting.

Vote:	Ayes:	Bill Lucas
		Kay Matthews
		Dan Slaysman
		Steve Martin

Interim Zoning Administrator Malone advised the commission that there was a conflict regarding item A of number 5, but could take action on the other two items.

Vice-chairman Lucas called for a motion to amend the previous motion to cover item 5 A only and continue with 5 B and C that are still available.

B. 105-21-091 from a split zoning of C-1 to R1-7 to completely C-1.

This property is across the street from Woodland building. Mr. Malone reported that he had a note from the Johnson's stating that their intended use of the lot was for their trucking business.

Vice-chairman Lucas opened up the hearing for public comment.

Jim Muth spoke as the representative of the three land owners that submitted their request. He stated that he could not find anything in the planning and zoning documents that applies to these properties. He discussed two options with the town manager. Option number one is that the planning and zoning commission deal with the errors in the planning and previous zoning map. Number two submit an application for a rezone. These properties don't qualify for a rezone. The standards for a rezone need a site plan and what is going to be developed on the property.

He questioned how the town could come up with an ordinance to draw a line through the middle of these properties and then require a rezone application to correct them. The town has dealt with four parcels of land dealing with the same ideal situations and went through a nominal process and corrected. The former town manager suggested that they submit a written request for zoning along with the fee to be heard on April 15<sup>th</sup> to rezone these properties. He reiterated that he had a hard time with the term rezone.

Vice-chairman Lucas stated that they need to have consistent policy or an explanation restating this ordinance and the reasons for it. There is no process in place. There are other properties where this issue is going to come up. It needs to be taken care of at the council level.

Mr. Solomon stated that if this code does not provide for the rezoning of half a parcel or the application for the rezone of half a parcel then the commission has no choice but to deny it and send it to the Council and say lets fix this. It could be an ordinance that allows the application for a rezone of a half a lot.

Vice-chairman Lucas stated that they are addressing issues as they have ordinances available to do so. Depending on the outcome of this one there will always be an appeal process.

Commissioner Slaysman said he would hate to make a steady fast decision on just one parcel when there are twelve others that have the same problem and feel that they should look at the whole thing as one issue.

Mr. Solomon reiterated that the reason they have discussed sending this back to the council is because what the commission has been given up to this point in time does not answer that question. It is a gray area.

Vice-chairman Lucas called for a motion on item 5B.

Motion by Steve Martin/Kay Matthews to deny the request and make a recommendation to the council that they make this a uniform policy and clarify this ordinance.

Vote:	Ayes:	Bill Lucas
		Kay Matthews
		Dan Slaysman
		Steve Martin

- C. 105-21-107 from a split zoning of C-1 and R1-7 to completely C-1.

Commissioner Matthews stated that they know the intentions of the property and have provided information and answered the questions that the commission has asked. There is also street access to highway 60.

Motion by Kay Matthews/Dan Slaysman to approve the rezoning on 105-21-107 from a split zoning of C-1 and R-1 to a complete C-1.

Vote:	Ayes:	Bill Lucas
		Kay Matthews
		Dan Slaysman
		Steve Martin

New Business:

6. CUP2004-C009: Consider a conditional use permit application from Lynn Levingston to allow a fence in the front yard setback taller than three feet.

Mr. Malone advised that he has looked at the property and did not feel that it poses any threat for public safety regarding visibility.

Ms. Levingston stated that she has installed mirrors so that she can see the entire length of the street before exiting her driveway. The reason for the fence is that she has a problem with strangers going down the street peering into her yard is still an issue.

Comments were taken from neighbors giving their opinions of her fence.

Commissioner Matthews asked what kind of precedence the commission would be setting by allowing a fence with those issues.

Motion by Steve Martin/Bill Lucas to approve the conditional use permit.

Vote:	Ayes:	Bill Lucas
		Steve Martin

Nays: Kay Matthews  
Dan Slaysman

Tie Vote

Vice-chairman Lucas advised the public that CUP2004-009 will be placed on the August agenda.

7. CUP2004-C010: Consider a conditional use permit application from Gary Bruce to allow a fence in the front yard and side yard taller than three feet.

Mr. Malone advised the commission that this fence was put up as security due to the undergrounds tanks. He feels that they could be a hazard and did not want the public.

Mr. Malone stated that the fence should be brought back twenty five feet for visibility on the corner. His recommendation is to place a condition of a twenty five foot setback. Mr. Bruce has done work on the property to clean and level it off. There is not a definite time frame for removal of the fence.

Motion by Kay Matthews/Dan Slaysman to approve the CUP2004-C010 with the provision of modify the current fence line to a twenty-five foot triangle.

Vote: Ayes: Bill Lucas  
Kay Matthews  
Dan Slaysman  
Steve Martin

8. Assisted Living Facility: Consider allowing an assisted living facility at 451 N. Voigt. Zoned R1-7 requested by Tracy Shumway.

Mr. Malone explained that step one is for Ms. Shumway to get a zoning clearance before she can apply for a license from the state health department. Ms. Shumway was given a copy of the Arizona Revised Statutes 36-581 & 36-582 restricting the number of residents to six or fewer.

Vice-chairman Lucas stated that N. Voigt does not look like it had heavy traffic but expressed a concern with sidewalks and safety. After general discussion the commission decided that this was a permitted use and no action was taken.

Motion by Kay Matthews/Steve Martin to adjourn the meeting.

Vote: Ayes: Bill Lucas  
Kay Matthews  
Dan Slaysman  
Steve Martin

The meeting adjourned at 8:40p.m.

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William Lucas, Vice-Chairman